

103D CONGRESS  
1ST SESSION

# H. R. 175

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IN THE SENATE OF THE UNITED STATES

MARCH 31 (legislative day, MARCH 3), 1993

Received; read twice and referred to the Committee on the Judiciary

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## AN ACT

To amend title 18, United States Code, to authorize the Federal Bureau of Investigation to obtain certain telephone subscriber information.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. REQUIRED CERTIFICATION.**

4       Section 2709(b) of title 18, United States Code, is  
5       amended to read as follows:

6       “(b) REQUIRED CERTIFICATION.—The Director of  
7       the Federal Bureau of Investigation, or his designee in  
8       a position not lower than Deputy Assistant Director,  
9       may—

10       “(1) request the name, address, length of serv-  
11       ice, and toll billing records of a person or entity if  
12       the Director (or his designee in a position not lower

1 than Deputy Assistant Director) certifies in writing  
2 to the wire or electronic communication service pro-  
3 vider to which the request is made that—

4 “(A) the name, address, length of service,  
5 and toll billing records sought are relevant to  
6 an authorized foreign counterintelligence inves-  
7 tigation; and

8 “(B) there are specific and articulable  
9 facts giving reason to believe that the person or  
10 entity to whom the information sought pertains  
11 is a foreign power or an agent of a foreign  
12 power as defined in section 101 of the Foreign  
13 Intelligence Surveillance Act of 1978 (50  
14 U.S.C. 1801); and

15 “(2) request the name, address, and length of  
16 service of a person or entity if the Director (or his  
17 designee in a position not lower than Deputy Assist-  
18 ant Director) certifies in writing to the wire or elec-  
19 tronic communication service provider to which the  
20 request is made that—

21 “(A) the information sought is relevant to  
22 an authorized foreign counterintelligence inves-  
23 tigation; and

24 “(B) there are specific and articulable  
25 facts giving reason to believe that communica-

tion facilities registered in the name of the person or entity have been used, through the services of such provider, in communication with—

“(i) an individual who is engaging or has engaged in international terrorism as defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States; or

“(ii) a foreign power or an agent of a foreign power under circumstances giving reason to believe that the communication concerned international terrorism as defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States.”.

**SEC. 2. REPORT TO JUDICIARY COMMITTEES.**

Section 2709(e) of title 18, United States Code, is amended by adding after “Senate” the following: “, and the Committee on the Judiciary of the House of Rep-

1 representatives and the Committee on the Judiciary of the  
2 Senate,”.

Passed the House of Representatives March 29,  
1993.

Attest: DONNALD K. ANDERSON,  
*Clerk.*